

**Joelle Demand - HB 5020 and HB 5021**

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**To:** <jdemand@house.mi.gov>  
**Date:** 10/18/2011 4:15 PM  
**Subject:** HB 5020 and HB 5021  
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Joelle:

I'm sorry, I won't be at the hearing tomorrow, as I'm out of town. I wanted to get you some thoughts in writing prior to the first hearing on these bills.

HB 5021:

This issue has previously come up. We generally don't support shortening the amount of time necessary to submit affidavits, but think that the ramifications aren't that widespread. I note, however, that adding the sentence to (2) makes no sense—that affidavit is one that is typically included with the Sheriff's Deed shortly after sale. I think this sentence is an error.

HB 5020:

This is a harder issue to respond to, as it isn't really clear what the issue trying to be fixed is. Our initial read is that this is problematic. I need to reserve comment in large part, pending what the real issue is here. That having been said, I offer the following:

1. In 2004, this section was amended to make more clear when the record chain of title was necessary (i.e., from "before proceedings are commenced" to "prior to the date of sale". This amendment would erase that change. The concern isn't so much with when it is required by as it is to make it clearer. Perhaps requiring it either prior to the date of sale, or prior to the 600.3208 notice would give clarity to this issue.
2. On a larger scale, we're concerned by the potential of ambiguity and litigation that these proposed changes could bring, but again, it is hard to evaluate whether the changes would work and the harm caused, without knowing the purported reason for the changes. Once we learn more, we will be able to offer better insight.

As always, I'm available at your leisure to discuss more fully.

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